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TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION OVER A "PRIOR" PATENT	Docket Number (Optional) 10142/00402(99-0162US2)
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In re Application of: Peavy

Application No.: 10/364,475

Filed: August 4, 2003

For: Valve Port Assembly with Coincident Engagement Member for Fluid Transfer Procedures

The owner^{*}, NAMICNA INC., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. 6,620,124 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:

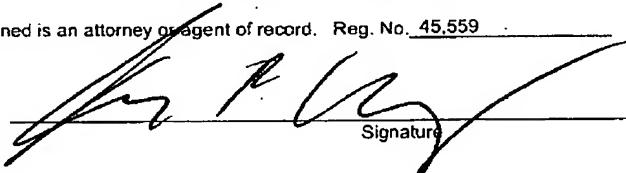
- expires for failure to pay a maintenance fee;
- is held unenforceable;
- is found invalid by a court of competent jurisdiction;
- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
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- is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

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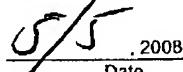
1. For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. The undersigned is an attorney or agent of record. Reg. No. 45,559



Signature



2008

Date

Oleg F. Kaplun, Esq.
Typed or printed name

212-619-6000
Telephone Number

Terminal disclaimer fee under 37 CFR 1.20(d) included.

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*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS; SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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10142/00402 (09-0162US02)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICERECEIVED
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Inventor(s) : Peavy
Serial No. : 10/634,475 **MAY 05 2008**
Filing Date : August 4, 2003
For : Valve Port Assembly with Coincident Engagement Member For Fluid Transfer Procedures
Group Art Unit : 3763
Examiner : L. Bouchelle
Confirmation No. : 6795

Mail Stop: AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT UNDER 37 CFR 3.73(b)

NAMIC/VA, INC. hereby states that it is the assignee of the entire right, title, and interest of the above-identified application and U.S. Patent No. 6,620,124.

The assignment of U.S. Patent No. 6,620,124 from inventors to Scimed Life Systems, Inc. was recorded on February 11, 2000 and assigned Reel/Frame No. 010600/0105; the Change of Name documents from Scimed Life Systems, Inc. to Boston Scientific Scimed, Inc. were recorded on January 1, 2005 and assigned Reel/Frame No. 018505/0868; and the assignment from Boston Scientific Scimed, Inc. to NAMIC/VA, Inc. was recorded on February 12, 2008 and assigned Reel/Frame No. 020518/0549.

The assignment of this application from the inventors to Scimed Life Systems, Inc. is being filed with the USPTO the same date as this statement and a copy is attached herewith; the Change of Name documents for Scimed Life Systems, Inc. to Boston Scientific Scimed, Inc. were recorded on October 12, 2007 and assigned Reel/Frame No. 019952/0866; and the

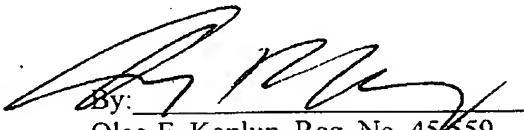
assignment from Boston Scientific Scimed, Inc. to NAMIC/VA, INC. was recorded on February 12, 2008 and assigned Reel/Frame No. 020518/0549.

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Respectfully submitted,

Dated:

5/5/08



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